



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Sai Kiang Lim

Application No. 10/618,540

Filed: July 9, 2003

Confirmation No. 8220

For: HEMANGIOBLAST PROGENITOR
CELLS

Examiner: Lora Elizabeth Barnhart

Art Unit: 1651

Attorney Reference No. 4810-66314-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed June 9, 2005

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AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

This Amendment and Response to Restriction Requirement ("Amendment") is filed in response to the non-final Office action, dated May 10, 2005. A one-month period for reply was set, making a response due on or before June 10, 2005. It is believed that no fees are required in connection with this filing; however, the Commissioner is authorized to charge any fees that may be required to the deposit account referenced on the accompanying transmittal letter.

Applicant provisionally elects the Examiner's Group I (claims 1 to 5), drawn to a purified preparation of mammalian hemangioblast cells, with traverse. Applicant further provisionally elects with traverse: (i) as a species of hemangioblast cell source, the Examiner's designation (c) (an embryonic stem cell-derived embryoid body; readable on claims 1-6, 8 and 10-17), and (ii) as a species of mammal, the Examiner's designation (e) (humans; readable on claims 1-4, and 6-17). Applicant submits that claim 17 should be rejoined with Group I, and therefore requests that the Examiner consider the following remarks and amendments, and withdraw or modify the restriction requirement.

Please amend the referenced application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 3.

Remarks begin on page 5.